

FEDERAL HIGHWAY ADMINISTRATION

Preconstruction Conference Agenda Guideline

Project Number: _____ Name: _____

Contract Number: _____ Contractor: _____

Contract Description and Location: _____

Conference Location: _____ Date: _____

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1. Introductions.

- A. A sign-in sheet is distributed and self-introductions are encouraged.

2. FHWA Organization

- A. Introduce or identify the Project Engineer (COTR), inspectors, consultant inspectors, and the COE.
- B. Explain the organization chain up to the Contracting Officer.
- C. Clarify the delegation of authority letter previously provided if there are questions.
- D. Explain the role of consultant inspectors.
- E. Explain correspondence from the contractor.

3. Cooperating Agencies.

- A. Explain the role of applicable cooperating agencies.
- B. Encourage comments from any representatives in attendance.

4. Utilities.

- A. Discuss relocation responsibility, schedule, and cooperation with utilities.
- B. If not provided in the contract, obtain names and telephone numbers for emergency contacts in case of damage.

5. Contractor's Organization.

- A. Ask the Contractor to explain his organization and define each representative's authority.
- B. Has the Superintendent been identified in writing? Yes ____ No ____
- C. Has WFLHD-298 (Contractor's Delegation of Authority) been submitted?
Yes ____ No ____
- D. Have the Safety and/or Traffic Control Officers been identified in writing?
Yes ____ No ____
- E. Correspondence from PE should be addressed to? _____

6. Subcontracting.

- A. Have WFLHD-130 (Subcontracting Statistics) and SF - 1413 (Statement and Acknowledgment) been furnished within 14 days of award of the contract?
Yes _____ No _____
- B. Subsequent subcontract awards require the SF-1413 and WFLHD-130 within 14 days of their award.
- C. Discuss the contractual relations between the Government and the subcontractors.
- D. Is the amount of work subcontracted within the contract limits? Yes _____ No _____
- E. Have required labor clauses been incorporated into the subcontracts? (FAR Subpart 42.222-11) Yes _____ No _____
- F. Discuss the qualifications of the surveyors, inspectors, and testers, if appropriate.
- G. Has the Contractor demonstrated efforts to subcontract to DBE firms? Yes _____ No _____
- H. Discuss the subcontracting plan (if applicable) and who will administer it and keep records for the contractor. (FAR 52.219-9)
- I. Explain submittal of SF-294's and SF-295's if required.
- J. Discuss the DBE/WBE Subcontracting Compensation Clause (certifications, thresholds, time compensation, etc.)
- K. Remind the contractor of his obligation to file Notice Requirement for Affirmative Action to Ensure Equal Opportunity for each on site subcontract exceeding \$10,000. The Notice is submitted directly to the Office of Federal Contract Compliance Programs (OFCCP). (FAR 52.222-23)

7. Contractor's Progress Schedule.

- A. Has it been furnished? Yes _____ No _____
- B. Discuss the equipment, labor and materials planned for use.
- C. Discuss the proposed work shift time and days.
- D. Discuss schedule approvals and updates.
- E. Discuss starting and completion dates for major components of work.
- F. Determine the notice to proceed date if possible and verify the completion date.
- G. Discuss CO's recourse if contractor fails to maintain progress.
- H. Discuss Liquidated Damages and stress early discussions required for contract time extensions.
- I. Discuss suspension of work conditions. (FAR 52.212-12)

8. Safety.

- A. Has WFLHD-28 (Guide Outline of Contractor's Accident Prevention Plan) been furnished? Yes _____ No _____
- B. Has the contractor furnished his Accident Prevention Plan? Yes _____ No _____
- C. Has a fire control plan been furnished if required? Yes _____ No _____ N/A _____
- D. Stress the emphasis on work zone traffic safety and the protection of the public, Government employees, and the contractor's employees.
- E. Emphasize that it is the Contractor's responsibility to monitor safety and identify deficiencies on the project.
- F. Explain that project personnel will not inspect under unsafe conditions.
- G. Contractor must furnish accident reports.

9. Labor Provisions.

- A. Discuss the Davis-Bacon Act and explain that surveyors, inspectors, and testers are not subject to Davis-Bacon wage rates.
- B. CO can withhold progress payments to pay wages from contractors who violate the Davis-Bacon Act. (FAR 52.222-7)
- C. Contract work Hours and Safety Standards (1.5 times wage for hours over 40 in a week; FAR 52.222-4)
- D. Discuss compliance with Copeland Act Requirements. (FAR 52.222-10)
- E. Discuss materials suppliers and "on-site" labor.
- F. Emphasize that labor compliance reviews may be conducted on the job site.
- G. Explain that apprentices and trainees may be paid less than the Davis-Bacon wage rates, if they belong to a bona fide Apprenticeship or Trainee Program in accordance with FAR 52.222-9.
- H. Remind the contractor of his obligation of file VeTS-100, Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era. The report is filed annually by March 31, to the Department of Labor.

10. Payrolls.

- A. One copy of certified payrolls from both the prime and the subs are to go to the Engineer within 7 days of the payment date.
- B. Subcontractor payrolls are to be submitted through the prime.
- C. If classification codes are used, two copies are to be submitted with the first payroll.
- D. Emphasize the requirements that trucks only apply to the "owner/operator" classifications.
- E. Any employee that is working on the project, will be reported on a certified payroll.

11. Equal Employment Opportunity.

- A. Remind Contractor of his obligations under FAR Subparts 52.222.26.
- B. Remind Contractor of any Affirmative Action goals (FAR Subpart 52.222-27).
- C. Has the contractor designated a responsible official to monitor his EEO Policy, submit reports, and keep records? Yes ____ No ____ (FAR 52.222-27).
- D. Remind the contractor of his obligation to file SF-100 (EEO-1) annually by March 31, to the Equal Opportunity Commission and the OFCCP jointly. (FAR 52.222-26), must file if 50 or more employees and minimum \$50,000 contract or subcontract.)

12. Drug-Free Workplace

- A. Review the statement required by FAR Subpart 52.223-6 (b) (1).
- B. Has the Contractor provided a copy of their drug-free awareness program?
Yes ____ No ____
- C. Discuss sanctions possible for noncompliance (i.e., suspension, debarment, suspension of payments, and termination for default).

13. Control of Materials and Acceptance of Work.

- A. Has the contractor submitted his Quality Control Plan in accordance with Standard Specification 153.02?
- B. Discuss special requirements for Government sources if applicable.
- C. Are any Contractor sources proposed? If so, discuss the contract requirements for exploration and testing.
- D. Discuss salvage materials, storage sties, and disposal areas.
- E. Discuss elements of statistical acceptance, target values, pay factors, QL-PAY, etc.
- F. Review sampling and testing requirements.
- G. Discuss certification requirements.
- H. Review Contractor's weighing system and advise of checking procedure in the forthcoming letter.
- I. Discuss rideability specification if applicable.
- J. Discuss submittal, approval, and review time for shop drawings. Explain correction procedures.
- K. Presence or absence of a Government inspector does not relieve the contractor from any contract requirement. (FAR 52.246-12)
- L. Emphasize the need for clean-up to be complete before final acceptance and protection of the completed work until final acceptance.

14. General Requirements.

- A. Scope of Work - Sention 103.
 - 1) Is the intent of the contract clear? Yes _____ No _____
 - 2) Are any value engineering proposals planned (FAR Subpart 52.248-3)? If so, refer to WFLHD-454. Yes _____ No _____
- B. Control of Work - Section 104
 - 1) Review the governing of contract documents. (FAR, TAR, SCR's, Plans, FP-92)
 - 2) Review requirements for load restrictions.
- C. Legal Relations and Responsibility to the Public - Section 107.
 - 1) Review bulletin board requirements. (posters, Emergency #'s, wage rates, etc.) prominent
 - 2) Determine if insurance requirements have been met.
 - 3) Discuss protection of existing structures, utilities, work, and vegetation.
 - 4) Discuss environmental protection requirements and compliance with the Storm Water Pollution Prevention Plan including inspections and modifications to the plan.
 - 5) Discuss compliance with all applicable laws, ordinances, safety codes, regulations, orders and decrees, and compliance with requirements of permits and agreements in the contract.
 - 6) Discuss any other contracts in the area and need for cooperation and coordination of work.

D. Measurement and Payment - Section 109.

- 1) Discuss pricing adjustments.
- 2) Discuss prompt Payment Act and invoice certification process.
- 3) Discuss closing date, receiving report (invoice) and appointment with PE.
- 4) Discuss Prompt Payment Act application to subcontract payments.
- 5) Review method of payment for materials on hand and preparatory work.
- 6) Has the Electronic Funds Transfer information been received? Yes _____ No _____
- 7) Discuss payments notes (109.01) and Daily Record of Operations (153.04)

15. Contract Modifications.

- 1) Stress the need for early notification of the modification required and an early settlement.
- 2) Contractor must provide written notice of constructive changes, delays, and differing site conditions.

16. Partnering.

- 1) Does not change the contract, but formalizes the communication process.
- 2) FHWA encourages partnering as a way of doing business, formal or informal.

17. Construction Staking.

- 1) Review survey control set by the Government. (Reference line, control points, pertinent data)
- 2) Discuss the contractor's responsibility for line and grade, preservation of control points, etc.

18. Contract Items.

Discuss those contract items which may result in questions by the Contractor.

19. Final comments by Cooperating Agencies or Others.

20. Contractor Performance Evaluations.

Explain that a performance evaluation will be prepared when the project is completed. Interim evaluations will be prepared if necessary, however an interim unsatisfactory evaluation is not a pre-requisite to a final unsatisfactory evaluation. The contractor will receive either a satisfactory or unsatisfactory rating based on the "Contractor Performance Evaluation Criteria." Inform the contractor as to what constitutes satisfactory and unsatisfactory performance and that the performance evaluation will be one of the criteria used to make responsibility determinations on future projects.

Additional Details.

A. Are any more plans or specifications required by the Contractor?

Yes _____ No _____

B. Are any copies or examples of note formats, report forms, etc., required?

Yes _____ No _____

CERTIFICATION: The preceeding items have been discussed.

Signature for the Contractor

Signature for the Government